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4/3/2020 11:28 am

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
KEVIN ANDREW ECKERT, JR.,

Plaintiff,

-against-

SUFFOLK COUNTY JAIL,

Defendant.

-----X
AZRACK, United States District Judge:

ORDER
19-CV-06991 (JMA)(SIL)

By Order dated February 27, 2020, the Court granted the application of then-incarcerated *pro se* plaintiff Kevin Andrew Eckert, Jr. (“Plaintiff”) to proceed *in forma pauperis* and *sua sponte* dismissed the complaint in its entirety pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii), 1915A(b)(1). (ECF No. 7.) Plaintiff was granted leave to file an amended complaint within thirty (30) days of the date of the Order. (See *id.*) The Order was mailed to Plaintiff at the Suffolk County Correctional Facility, his then-address of record. On February 28, 2020, Plaintiff filed a Notice of Change of address to a residence in Patchogue, New York. Accordingly, on March 2, 2020, the Order was re-mailed to Plaintiff at this new address. The Order mailed to the Suffolk County Correctional Facility was returned to the Court on March 13, 2020, marked as “Discharged Return to Sender,” but the Order mailed to the Patchogue address has not been returned as undeliverable. (ECF No. 11.)

To date, Plaintiff has not filed an amended complaint, nor has he otherwise communicated with the Court about this case since filing his Notice of Change of Address on February 28, 2020. In light of the national emergency caused by the COVID-19 virus, the Court extends the deadline for Plaintiff to file an amended complaint through May 4, 2020. Plaintiff is again cautioned that an amended complaint completely replaces the original. Therefore, Plaintiff must include all claims against any defendants he seeks to pursue in the amended complaint.

Plaintiff is further cautioned that judgment shall enter in accordance with the February 27, 2020 Order and this case will be closed unless he files an amended complaint with the Court on or before May 4, 2020. This deadline will not be further extended absent a showing of good cause.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

The Clerk of Court shall mail a copy of this Order to Plaintiff at his last known address.

SO ORDERED.

Dated: April 3, 2020
Central Islip, New York

/s/ (JMA)
Joan M. Azrack
United States District Judge